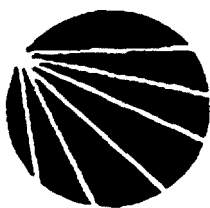




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Communication Service For The Deaf

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"Comments on NPRM Docket #95-176 in
the matter of closed Captioning of video
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February 27, 1997

Office of the Secretary
Federal Communication Commission
1919 M Street, N.W.
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FEB 28 1997

Federal Communications Commission
Office of Secretary

Dear Secretary:

This is to comment on the Notice of Proposed Rulemaking (NPRM) on the implementation of Section 305 of the Telecommunications Act of 1996 (MM Docket No. 95-176).

Our organization is located in Sioux Falls, South Dakota and we have offices in four other remote locations in the State of South Dakota. We provide services ranging from interpreter referral to job training to housing for people who are deaf and hard of hearing.

Our comment focuses on the need of the rural part of our country to access television, weighing it against the so-called ability of local television stations to provide that kind of accessibility in the form of closed-captioning.

In South Dakota, our stations are concentrated in two basic population areas (Sioux Falls and Rapid City) and statewide through the auspices of South Dakota PBS. South Dakota PBS has been exemplary in that they provide captioning for all programs produced locally within the state. As for the TV stations who are affiliates of the national networks, CBS, NBC, ABC, PBS, et al., captioning is provided on a level that is not acceptable to most of the deaf and hard of hearing people in the state of South Dakota.

For a majority of the stations, they provide what they call closed captioning via an electronic newsroom method for local news and no captioning for sports at all. Some stations do not even provide captioning at all for any local programming.

Being rural in nature, especially for emergency news and weather situations, the deaf and hard of hearing population in the state of South Dakota do not have any form of access. As you can presume, we do not have access to radio for obvious reasons, so television represents the only means of immediate access to information which can save lives or make living easier.

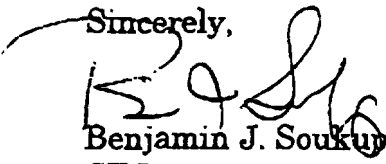
The TV station argument and while spelled out in the referenced telecommunications act, would be to exercise the exemptions based on economic burden. This definition is yet to be spelled out and will be created during this process. We ask that the FCC consider that if captioning is to be mandated, that a level playing field exist and we feel that the FCC should not create rules that use federal regulatory powers to preempt the right of state legislatures or regulatory authorities to mandate captioning, and to specifically allow states to develop legislation that reflect local concerns and positions.

Many local stations do have the opportunity to pass through the costs of captioning to advertisers in the form of direct sponsorship or increased advertising fees. Our research has shown that it can amount to an increase of 1.5-3% of advertising revenues to cover the cost of real time captioning for the entire programming of a small TV station. If this can be passed though, how can this be considered economic burden? Additionally, if all TV stations in a market were required to do the same thing, then the question of competitive disadvantage in the foe of advertising rates would not exist.

We therefore ask the FCC to consider the ability to TV stations to pass on costs as a means to remedy the undue economic burden standard, not basing it wholly on the net income, but no the ability of the TV stations to shift the costs elsewhere, and to consider the potential for such.

We commend the FCC on taking this momentous task which means a lot in the daily lives of deaf and hard of hearing people in America.

Sincerely,



Benjamin J. Soukup
CEO